

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NATHEAULEEN MASON, et al.,

Plaintiffs,

Case No. 05-73943

v.

Hon. John Corbett O'Meara

JENNIFER GRANHOLM, et al.,

Defendants.

**ORDER OVERRULING PLAINTIFFS' OBJECTIONS TO MAGISTRATE'S
ORDER GRANTING DEFENDANTS' MOTION FOR PROTECTIVE ORDER**

Before the court are Plaintiffs' objections to Magistrate Judge Scheer's order granting Defendant's motion for a protective order. Defendants submitted a response to Plaintiff's objections on March 19, 2007.

Plaintiffs requested the deposition of Defendant Patricia Caruso, who is the Director of the Michigan Department of Corrections. Caruso sought a protective order from Magistrate Judge Scheer, who granted it based upon Defendants' argument that Caruso is a high-ranking government official. See In re FDIC, 58 F.3d 1055, 1060 (5th Cir. 1995); see generally 8 Charles A. Wright, et al., Federal Practice and Procedure § 2037 (2d ed. 1994). Specifically, Magistrate Judge Scheer ordered that "Defendant Caruso does not have to appear for an oral deposition at this time; If, at a late[r] date, Plaintiffs can demonstrate that the information they seek is not available from lesser ranking government officials, they may petition the Court to remove the Protective Order." Order dated February 26, 2007.

Pursuant to 28 U.S.C. § 636(b)(1)(A), this court may modify or set aside any portion of

Magistrate Judge Scheer's order that is "clearly erroneous or contrary to law." See also Fed. R. Civ. P. 72(a). Having reviewed the parties' submissions and applicable legal authority, the court finds that the magistrate's order is not clearly erroneous or contrary to law.

Therefore, IT IS HEREBY ORDERED that Plaintiffs' March 8, 2007 objections to Magistrate Judge Scheer's February 26, 2007 order are OVERRULED.

s/John Corbett O'Meara
United States District Judge

Dated: May 14, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, May 14, 2007, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager